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UNCLAS SECTION 01 OF 02 PODGORICA 000036

SIPDIS

SENSITIVE
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DEPT FOR EUR/SCE, S/WCI

E.O. 12958: N/A
TAGS: [PHUM](#) [PREF](#) [KAWC](#) [PGOV](#) [MW](#)
SUBJECT: MONTENEGRO AND WAR CRIMES

REF: A. A) 2005 BELGRADE 0057

[1](#)B. B) 2006 BELGRADE 1509

PODGORICA 00000036 001.3 OF 002

SENSITIVE BUT UNCLASSIFIED - PLEASE HANDLE ACCORDINGLY

[1](#)1. (U) SUMMARY: MONTENEGRO HAS BEEN COMMENDED BY ICTY CHIEF PROSECUTOR DEL PONTE FOR ITS COOPERATION WITH THE HAGUE. YET AS ONGOING COURT CASES DEMONSTRATE MONTENEGRO'S PAST IS NOT SPOTLESS. FOUR DISTINCT ACTIONS ARE THE SUBJECT OF ONGOING OR POTENTIAL LAW CASES END SUMMARY

1991 - YUGOSLAV ARMY BASED IN MONTENEGRO ATTACKS DUBROVNIK

[1](#)2. (U) IN THE FALL OF 1991, YUGOSLAV ARMY (JNA) UNITS BASED IN MONTENEGRO MOVED AGAINST CROATIAN DEFENSE FORCES IN AND AROUND DUBROVNIK. THE JNA FORCE LOOTED AND VANDALIZED THE REGION EXTENSIVELY, AND REPEATEDLY SHELLED THE OLD TOWN OF DUBROVNIK, DESIGNATED BY UNESCO AS AN HISTORIC SITE. EIGHTY TO NINETY CIVILIANS WERE KILLED, AND SEVERAL HUNDRED WOUNDED, DURING THE CAMPAIGN. THE JNA COMMANDER, GENERAL PAVLE STRUGAR, SURRENDERED VOLUNTARILY IN 2001 AND WAS CONVICTED IN OCTOBER 2006 OF WAR CRIMES AND SENTENCED TO EIGHT YEARS IMPRISONMENT. STRUGAR, THE ONLY ICTY INDICTEE RESIDENT IN MONTENEGRO, WAS BLAMED FOR FAILING TO CONTROL THE EXCESSES OF HIS TROOPS, A SIGNIFICANT PORTION OF WHOM (AND REPUTEDLY THE LEAST DISCIPLINED) WERE ILL-TRAINED RESERVISTS FROM MONTENEGRO.

[1](#)3. (U) IN 2000, PM MILO DJUKANOVIC APOLOGIZED TO THE PEOPLE OF

CROATIA FOR CRIMES COMMITTED BY MONTENEGRO'S TROOPS. DURING AN OFFICIAL VISIT BY CROATIAN PRESIDENT STJEPAN MESIC TO PODGORICA ON JULY 7, 2005, MONTENEGRIN PRESIDENT FILIP VUJANOVIC ANNOUNCED THAT MONTENEGRO WOULD COMPENSATE CROATIA EUROS 400,000 FOR DAMAGE INFLICTED IN 1991, SPECIFICALLY THE LOSS OF CATTLE FROM A STATE-OWNED FARM NEAR DUBROVNIK.

14. (U) UNDER AN AGREEMENT REACHED BY CROATIAN AND MONTENEGRIN PROSECUTORS IN LATE 2006 (REF B), ON FEBRUARY 10, THE CROATIAN DEPUTY CHIEF PROSECUTOR, ANTUN KVAKAN, TOLD THE MONTENEGRIN PRESS THAT HE WILL SOON TRANSFER A COMPLETE FILE WITH EVIDENCE OF WAR CRIMES COMMITTED IN THE MORINJ DETENTION CAMP IN MONTENEGRO. IN LATE 1991, OVER 300 CROATIAN PRISONERS CAPTURED DURING THE ABOVE-MENTIONED OPERATIONS WERE HELD IN MORINJ AND EIGHT PEOPLE ALLEGEDLY DIED AS A RESULT OF TORTURE. BETWEEN SEVEN AND TEN MONTENEGRIN CITIZENS, KVAKAN ANNOUNCED, ARE SUSPECTED IN THE ABUSES.

1992 - MONTENEGRIN POLICE TRANSPORT MUSLIMS TO REPUBLIKA SRPSKA

14. (U) SOME 36 CIVIL LAWSUITS WERE FILED AT THE END OF 2004 AGAINST THE GOVERNMENT OF MONTENEGRO, ALLEGING THAT THE GOM WAS COMPLICIT IN THE 1992 EXPULSIONS OF DOZENS OF BOSNIAN MUSLIMS TO FOCA (SRBINJE) IN THE REPUBLIKA SRPSKA IN BOSNIA AND HERZEGOVINA. MANY OF THE DEPORTEES, MAINLY ADULT MALES, WERE SUBSEQUENTLY KILLED WHILE IN RS CUSTODY. (REF A, B) THE TRIALS BEGAN TO COME TO CONCLUSION IN 2006, WITH JUDGES IN ALL BUT ONE CASE SO FAR FINDING THAT THE GOM WAS CULPABLE FOR THE DEPORTATIONS, BUT RESTRICTING THE AWARDED DAMAGES ON LEGAL GROUNDS. DETAILS OF SEVEN CASES DECIDED IN 2006 ARE REPORTED IN THE 2006 HUMAN RIGHTS REPORT FOR MONTENEGRO. DECISIONS IN THREE MORE CASES WERE ANNOUNCED IN JANUARY 2007, EACH RULING FOR THE PLAINTIFF. THE GOM HAS APPEALED ALL VERDICTS AGAINST THE GOVERNMENT.

15. (SBU) COMMENT: THE PLAINTIFFS' LAWYER TOLD POST IN LATE 2004 THAT HE HAD HELD OFF FILING THE CASES, HOPING THAT THE GOM WOULD AGREE TO NEGOTIATE A SETTLEMENT -- WHICH IS STILL HIS PREFERRED OUTCOME. HE ONLY FILED THE CASES IN LATE 2004 AS THE STATUTE OF LIMITATIONS WOULD SOON HAVE CLEARLY BARRED SUCH ACTIONS.

COMPLICATING RESOLUTION OF THIS CASE IS THE FACT THAT FORMER PM

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PODGORICA 00000036 002.3 OF 002

DJUKANOVIC IS UNWILLING TO HAVE HIS REPUTATION TARNISHED BY ADMITTING EVEN INDIRECT CULPABILITY. END COMMENT.

1993 - BOSNIA ALLEGES MONTENEGRO SHARES GUILT FOR GENOCIDE

16. (U) IN MARCH 1993, THE GOVERNMENT OF BOSNIA AND HERZEGOVINA FILED WITH THE INTERNATIONAL COURT OF JUSTICE (ICJ), CHARGING THE FEDERAL REPUBLIC OF YUGOSLAVIA (FRY) WITH VIOLATING THE GENOCIDE CONVENTION. THE ICJ HELD HEARINGS IN EARLY 2006, SHORTLY BEFORE THE FRY'S SUCCESSOR, THE STATE UNION OF SERBIA AND MONTENEGRO, WAS DISSOLVED AFTER THE MAY 21, 2006, VOTE BY MONTENEGRO TO BECOME INDEPENDENT.

¶17. (U) SUBSEQUENT TO INDEPENDENCE, THE GOM HAS ARGUED THAT AS IT IS NOT THE LEGAL SUCCESSOR TO SAM (OR THE FRY), THE ICJ SHOULD RELEASE IT FROM THE SUIT FILED BY BIH. BIH HAS REJECTED THAT ARGUMENT, AND THE ICJ HAS NOT HELD HEARINGS ON THE MOTION. (THE THEN-GOSAM ARGUED IN 2006 THAT THE ICJ DOES NOT HAVE JURISDICTION, AS THE THEN-FRY WAS NOT A MEMBER OF THE UN IN 1993, AND DID JOIN THE UN UNTIL 2000.) A DECISION IN THE OVERALL ICJ CASE AGAINST SERBIA AND MONTENEGRO IS EXPECTED ON FEBRUARY 26 THIS YEAR.

¶18. (U) CROATIA SIMILARLY FILED A CLAIM OF GENOCIDE AGAINST THE THEN-FRY IN JULY 1999. NO ACTION HAS BEEN TAKEN BY THE COURT ON THE CASE SINCE NOVEMBER 2002.

1999 - MONTENEGRIN RESERVISTS INVESTIGATED IN CONNECTION WITH MURDER OF KOSOVAR REFUGEES

¶19. (U) ON APRIL 21, 1999, MEMBERS OF THE BELGRADE-CONTROLLED "PODGORICA CORPS" OF THE YUGOSLAV ARMY (NOTE: THE SAME UNIT THAT WAS INVOLVED IN THE 1991 ATTACK ON DUBROVNIK. END NOTE.) ALLEGEDLY KILLED 12 ETHNIC ALBANIANS FROM KOSOVO NEAR ROZAJE, MONTENEGRO. THE MURDERS WERE REPORTED BY INTERNATIONAL AND MONTENEGRIN PRESS AT THE TIME, AND MONTENEGRO'S THEN DEPUTY PRIME MINISTER, DRAGISA BURZAN, CALLED THE KILLING OF KOSOVO REFUGEES IN MONTENEGRO AND WOUNDING OF OTHERS "A WAR CRIME, A CRIME AGAINST HUMANITY." AN ADDITIONAL NINE CIVILIANS WERE KILLED IN SIMILAR CIRCUMSTANCES FROM MARCH TO JUNE, 1999.

¶110. (U) ON FEBRUARY 10, 2007 THE STATE PROSECUTOR IN BIJELO POLJE, MONTENEGRO, BEGAN AN INVESTIGATION INTO 12 MONTENEGRIN CITIZENS SUSPECTED IN THIS CASE. THE PRESS PUBLISHED THE 12 NAMES, ALL OF WHOM WERE MEMBERS OF THE YUGOSLAV ARMY RESERVES; ONE IS THE SON OF CONVICTED WAR CRIMINAL GENERAL STRUGAR. THE SON PROTESTED THAT THE MURDERS WERE CARRIED OUT BY SERB PARAMILITARIES. COMMENT: IT IS UNCLEAR WHY IT IS ONLY NOW THAT THE CRIMINAL INVESTIGATION WAS LAUNCHED IN THIS CASE. END COMMENT.

¶111. (U) COMMENT: THE GOM, AS NOTED BY ICTY PROSECUTOR DEL PONTE, IS GENERALLY COOPERATIVE ON WAR CRIMES ISSUES, AND THEY ARE NOT AN INHERENTLY DIVISIVE ISSUE IN MONTENEGRO. THE GOM IS HOWEVER LEERY OF THE FINANCIAL IMPACT OF LEGAL DAMAGES IN THE 1993 ICJ CASE, AND THE SUITS FOR DAMAGES FILED IN THE 1992 DEPORTATION CASES, AND WISHES TO DRAW A LINE BETWEEN MORAL CULPABILITY AND FINANCIAL LIABILITY. END COMMENT.

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